

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA)
)
) CASE NO.: 2:15-CR-472
)
v.)
)
DYLANN STORM ROOF)

**DEFENSE DISCLOSURE OF MITIGATING FACTORS
NOT DIRECTLY RELATED TO MENTAL HEALTH**

The defendant, through counsel, gives notice of intent to offer evidence of the following statutory and non-statutory mitigating factors that are not directly related to mental health.

Statutory Mitigating Factor

18 U.S.C. § 3592(a)(5): **No prior criminal record.** – The defendant did not have a significant prior history of other criminal conduct.¹

Non-statutory Mitigating Factors

1. Dylann Roof was born on April 3, 1994, and so had just turned twenty-one at the time of the offense.

¹ With regard to the other mitigating factors enumerated in 18 U.S.C. § 3592, the defense does not intend to offer evidence of duress, (a)(2); minor participation, (a)(3); equally culpable defendants, (a)(4); or victim's consent, (a)(7).

2. Dylann Roof has offered to plead guilty as charged and to be sentenced life in prison without the possibility of release, knowing that the effect of this guilty plea would be that he would die in prison.
3. Due to his small size, youth, and notoriety, a sentence of life in prison without the possibility of release will be especially onerous for Dylann Roof, because the danger of violence he will face from other inmates will require that he serve his life sentence under isolating conditions of confinement.
4. A sentence of life in prison without the possibility of release will be especially onerous for Dylann Roof because he will serve his entire life sentence in fear of being targeted by other inmates.
5. Dylann Roof cooperated with arresting authorities.
6. Dylann Roof confessed to his crimes.
7. Dylann Roof has no prior history of violent behavior.
8. In light of Dylann Roof's youth, a sentence of life in prison without the possibility of release offers the possibility of redemption and change.

We note that under the Eighth Amendment and the Federal Death Penalty Act, no list of pretrial disclosures may limit the defense presentation of mitigating evidence at trial. *See Lockett v. Ohio*, 438 U.S. 586, 604-605 (1978) (capital sentencer may “not be precluded from considering, as a mitigating factor, any aspect of a defendant’s character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death”); 18 U.S.C. § 3592(a)(8) (authorizing submission of

“other factors in the defendant’s background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence).

Respectfully submitted,

s/ Sarah S. Gannett

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